

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Cortez Byrd and Simmons Lumber Company, S.A.,

Plaintiffs/Judgment Creditors,

v.

**Corporacion Forestal y Industrial de Olancho, S.A.
(Corfino), William E. Simmons, III,
Carl Swan, Israel Pacheco, Alberto Figueroa,
John Pearson, Myra Berlioz, Oscar Alvarenga,
and Maderas de Exportacion, S.A.,**

Defendants/Judgment Debtors.

1:11-mc-00443 (WHP)

DECLARATION OF CHARLES H. CAMP

CHARLES H. CAMP under penalty of perjury pursuant to 28 U.S.C. Section 1746, declares that the following is true and correct:

1. I am not a party to this action, am over 18 years of age, and practice law at the Law Offices of Charles H. Camp, P.C., 1025 Thomas Jefferson Street, N.W., Suite 115G, Washington, D.C. 20007. I am counsel to Plaintiffs/Judgment Creditors Cortez Byrd and Simmons Lumber Company, S.A. ("Plaintiffs").

2. I make this affidavit based upon my own personal knowledge and understanding of the matters set forth below in this affidavit.


3. At 2:15 p.m. on March 14, 2013, Plaintiffs served a Restraining Notice upon Deutsche Bank Securities Inc. ("DBS") via its agent for service of process, CT Corporations, and at 2:30 p.m. that day Plaintiffs served a Restraining Notice directly upon Deutsche Bank AG ("DBAG").

4. Because Plaintiffs were directed at Noon on March 15, 2012, by the Honorable Kimba Wood (the Part I Judge that day) to whom Honduras presented their Order to Show Cause, to respond to the Order to Show Cause in just two hours (by 2 p.m. on March 15, 2013), Plaintiffs were unable to verify the truth of the Giles Declaration submitted to the Court by Honduras with its Order to Show Cause, or, more importantly, to determine whether Honduras' right to receive \$495 Million on March 15, 2013, pursuant to the Purchase Agreement it signed with DBS on March 12, 2013, constituted "property" for purposes of CPLR § 5222(b).

5. Plaintiffs' counsel received a telephone call on March 20, 2013, from Katherine Brendel in the Legal Department of Deutsche Bank Services New Jersey, Inc. ("DBSNJ"), who stated that they had received the Restraining Notice served upon DBAG and that a search was "still ongoing" to determine whether Honduras had any accounts or other assets at DBAG. Likewise, she stated that the search for Honduran Government accounts and assets at DBS had not yet commenced. In this March 20, 2013 telephone conversation, Plaintiffs' counsel informed Ms. Brendel that the Restraining Notice served upon DBAG had been vacated by the Court on March 15, 2013, and that a Restraining Notice served upon DBS had been withdrawn based upon the Court's March 15, 2013 action. Ms. Brendel subsequently wrote to Plaintiffs' counsel that, "DBAG and DBS will take no further action with regard to the Notices."

6. Today, March 29, 2013, counsel for Plaintiffs received the attached letters dated March 22, 2013 from DBSNJ advising that DBS and DBAG each have "performed a diligent search of its records but was unable to locate any accounts in the name of the defendants." Eric M. Herbst, Esquire to Charles H. Camp, "Re: Restraining Notice

Issued to Deutsche Bank AG” (March 22, 2013), Eric M. Herbst, Esquire to Charles H. Camp, “Re: Restraining Notice Issued to Deutsche Bank Securities, Inc.” (March 22, 2013). “If you have additional information regarding possible accounts or assets of the defendants . . . please contact me or my paralegal, Katherine Brendel . . . and we would be happy to research it further.” *Id.*


Charles H. Camp

Date: March 29, 2013

Deutsche Bank



Eric M. Herbst
Assistant Vice President
DB Services New Jersey, Inc.
Legal Department
5022 Gate Parkway, Suite 400
Jacksonville, Florida 32256
(904) 271-2799
Eric.Herbst@db.com

March 22, 2013

VIA US MAIL

Charles H. Camp
Law Offices of Charles H. Camp, P.C.
1025 Thomas Jefferson St., NW, Ste. 115G
Washington, DC 20007

Re: Restraining Notice Issued to Deutsche Bank AG
Cortez Byrd & Simmons Lumber Co., S.A. v. CORFINO, et al.;
Case No.: 1:11-mc-00443-P1

Dear Mr. Camp:

I am writing on behalf of Deutsche Bank AG ("DBAG") in response to the Restraining Notice issued to DBAG in connection with the above defendants.

Please be advised that DBAG has performed a diligent search of its records but was unable to locate any accounts in the name of the defendants. If you have additional information regarding possible accounts or assets of the defendants being held with DBAG or the reasons you believe any such assets may be in the possession or custody of DBAG, please contact me or my paralegal, Katherine Brendel, at 904-271-2693 and we would be happy to research it further.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Eric M. Herbst'.

Eric M. Herbst

Deutsche Bank



Eric M. Herbst
Assistant Vice President
DB Services New Jersey, Inc.
Legal Department
5022 Gate Parkway, Suite 400
Jacksonville, Florida 32256
(904) 271-2799
Eric.Herbst@db.com

March 22, 2013

VIA US MAIL

Charles H. Camp
Law Offices of Charles H. Camp, P.C.
1025 Thomas Jefferson St., NW, Ste. 115G
Washington, DC 20007

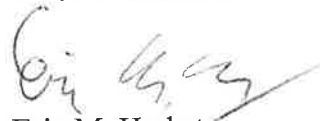
Re: Restraining Notice Issued to Deutsche Bank Securities, Inc.
Cortez Byrd & Simmons Lumber Co., S.A. v. CORFINO, et al.;
Case No.: 1:11-mc-00443-P1

Dear Mr. Camp:

I am writing on behalf of Deutsche Bank Securities, Inc. ("DBSI") in response to the Restraining Notice issued to DBSI in connection with the above defendants.

Please be advised that DBSI has performed a diligent search of its records but was unable to locate any accounts in the name of the defendants. If you have additional information regarding possible accounts or assets of the defendants being held with DBSI or the reasons you believe any such assets may be in the possession or custody of DBSI, please contact me or my paralegal, Katherine Brendel, at 904-271-2693 and we would be happy to research it further.

Very truly yours,



Eric M. Herbst